

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

B e f o r e

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

Writ Petition Nos. 9017 and 9018 of 1998

Between:

1. Sri G.C. Rajkumar,
S/o Chinnegowda, major,
Gathalu, V.V. Puram,
Yathagadhally Road,
Mandya- 571 403

2. Sri Rafi Ahmed,
S/o Sardar Ahmed, major
Sreenivasa Temple Road,
Mandya 571 403.

..Petitioners

(By Sri Victor Manoharan, Adv.)

A n d:

1. The State of Karnataka
by its Secretary,
Social Welfare & Labour Department,
M.S. Building,
Bangalore- 1.

2. The Labour Commissioner
VISL Building, J.C. Road,
Bangalore-2.

3. The Executive Engineer,
No.6, Hemavathi Left Bank Canal
Division, Pandavapura,
Mandya District.

245

4. The Executive Engineer,
No.8, Hemawathi Left Bank
Canal Division, Basaralu,
Mandya District.

..Respondents

(By Sri C.Ramakrishna, HCGP)

These Writ Petitions filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of mandamus directing the respondents to refer the cases of the petitioners for adjudication to the Labour Court etc.

These petitions coming on for hearing in 'B' Group this day, the Court made the following:

O R D E R

Petitioners herein claim that they have been employed by the 3rd respondent as a Technical Graduate Assistant on daily wage basis. Their services were terminated sometime in 1986-87 allegedly after completion of 240 days. They seem to have been approached the Karnataka Administrative Tribunal for appropriate relief by filing application numbered as 3083/1987 and the same was disposed off on 26-12-1988 directing the respondent not to terminate the services of the petitioners for three months so as to

enable

W

246

enable them to approach the Supreme Court. It is alleged that the 3rd respondent had not taken any action for their regularisation. They were, it is alleged constrained to move this Court for issuance of a writ of mandamus directing the respondents to refer the cases of the petitioners for adjudication to the Labour Court. No reference can be made suo motu. The petitioners are free to raise a dispute before the appropriate authority concerned complaining of the termination who may conciliate, if a dispute still exists and on the report of the Conciliation Officer the 1st respondent may pass appropriate orders. The writ petitions stand disposed of as above.



Sd/-
JUDGE

Vb/-